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FISCAL IMPACT STATEMENT

LS 7215

BILL NUMBER: HB 1468

NOTE PREPARED: Jan 13, 2013

BILL AMENDED:

SUBJECT: Leave for Disaster Service.

FIRST AUTHOR: Rep. Goodin

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a medical professional who is a full-time employee of the state, a political subdivision, or a private employer may not be disciplined for responding to a call for assistance following a disaster if the employee presents a written statement from a person in charge of the disaster response for which the employee provided assistance stating that the employee was engaged in disaster response activities at the time of the employee's absence from work.

The bill provides that an employee who is injured while the employee is responding to a call for assistance following a disaster may not be disciplined as a result of the injury or an absence from work that does not exceed six months because of the injury, if the employee provides evidence from a physician or other medical authority showing: (1) treatment for the injury at the time of the absence; and (2) a connection between the injury and the employee's disaster response activities.

The bill provides that an employee who is disciplined by a political subdivision employer for a permitted absence may bring a civil action against the employer within one year of the discipline to recover back wages, fringe benefits, seniority rights, and reinstatement to the employee's former position.

The bill provides that a public servant who permits or authorizes an employee of a political subdivision under the public servant's supervision to be absent from employment for disaster response activities does not commit ghost employment.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Leave for Disaster Service:* The impact on the state would be as an employer of a medical professional who is injured or absent from work because of an injury that occurs while the employee is engaged in disaster assistance activities. The state would not be able to discipline the employee for the time absent. The impact is indeterminable.

Current statute provides that state employees who are Red Cross volunteers receive paid leave up to 15 work days if they participate in disaster relief declared by the Governor and required by the Red Cross.

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$5) are deposited into the state User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Leave for Disaster Service:* The impact on political subdivisions would be as an employer of a medical professional who is injured or absent from work because of an injury that occurs while the employee is engaged in disaster assistance activities. The political subdivision would not be able to discipline the employee for the time absent. The impact is indeterminable.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

State Agencies Affected: All.

Local Agencies Affected: All; trial courts, city and town courts.

Information Sources:

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